

Applicant : Damon J. Servidio  
Serial No. : 10/601,349  
Response to Office Action of September 23, 2005

Date: 11/23/05  
Art Unit: 3732

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

The specification has been amended to include headings and thereby obviate the objection to the specification.

All of the claims have been rejected under 35 U.S.C. 102(b) as being anticipated by Takei (US 6,406,407). The reference discloses a knee prosthesis in which the spacing between the medial and the lateral condylar sections of the femoral condylar portion and of the tibial condylar portion becomes gradually narrower toward the posterior side of the knee joint, thus forming a "rear-in" configuration (column 2, line 63, to column 3, line 4). Both the femoral and the tibial condylar portions follow the same converging paths. The femoral and the tibial condylar portions do not diverge from one another. Apparently, the "rear-in" configuration is designed to accomplish deep flexion with relatively limited displacement of the center of rotation of the joint. In that configuration, the tibia concave posterior surface follows along and thus is a mirror-image of the femoral condyle convex posterior surface. There is no divergence in the directions followed by corresponding femoral and tibial condylar portions. The disclosure is directed to a construction wherein there is a convergence

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between the medial and lateral condylar sections. The reference appears to rely upon that construction to gain stability in deep flexion. At the same time, that construction limits and controls relative rotation between the femoral component and the tibial component during deep flexion.

In contradistinction, the subject matter of the claims of the present application sets forth an entirely different construction which facilitates deep flexion as well a hyperextension while maintaining essential congruency between the profile contour configurations of the engaged condylar and articular surfaces during deep flexion and during hyperextension. Whereas in Takei the tibial articular surfaces follow the counterpart femoral condylar surfaces throughout flexion (note that the configurations at V and T correspond to and follow one another), the subject matter of the present claims sets forth a configuration wherein at least one of the inner surface portion of a condylar surface and the outer surface portion of an articular surface is flared in a direction away from the other of the inner surface portion and the outer surface portion to maintain essential congruency and enable an increased area of contact and concomitant decreased stress. At the same time, relative rotational movement between the femoral

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component and the tibial component about a longitudinal axis of rotation during articulation is facilitated.

Thus, the combination of elements set forth in the present claims provides a construction which is entirely different from any structure disclosed or suggested in Takei, and which operates in an entirely different manner to accomplish an entirely different result. Accordingly, the rejection based upon anticipation by the disclosure in Takei is untenable and should be withdrawn.

With respect to claims 7 through 12, 14, 17 through 22, 29 through 34, 36 and 39 through 44, each of these claims sets forth a flared relationship between the inner surface portion and the outer surface portion along the anterior aspect of at least a corresponding one of a condylar surface and an articular surface for facilitating hyperextension. Takei is completely silent with respect to any structure which addresses hyperextension. Accordingly, Takei cannot anticipate the combination of elements set forth in these claims and the rejection of these claims based upon Takei must be withdrawn.

The prior art made of record and not relied upon has been reviewed carefully and is deemed to add nothing by way of anticipation or rendering obvious the subject matter of the present claims.

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It is respectfully submitted that the subject matter of the PRESENT claims is neither anticipated nor rendered obvious by the disclosure of the cited reference and it is respectfully requested that the claims be allowed and the application be passed to issue.

Respectfully submitted,

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ARTHUR JACOB

NAME OF REGISTERED REPRESENTATIVE

*Arthur Jacob*  
 SIGNATURE

12/23/05  
 DATE

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